

## **Exhibit F**

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1        \*\* HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER \*\*

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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

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ZOOM VIDEOTAPED DEPOSITION OF

MATTHEW FISCHER, VOLUME II

Hillsboro, California

Thursday, January 7, 2021

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**Reported by:**

**LORI M. BARKLEY, CSR No. 6426**

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE APPLE iPhone TRUST ) Civil Action No.  
LITIGATION ) 4:11-cv-06715YGR  
 )  
 )

Zoom Videotaped deposition of MATTHEW FISCHER, Volume II, taken on behalf Plaintiff, at Hillsboro, California, beginning at 8:38 a.m., and ending at 2:42 p.m., on Thursday, January 7, 2021, before LORI M. BARKLEY, Certified Shorthand Reporter No. 6426.

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1 APPEARANCES :

2

3 For Plaintiff Epic Games, Inc.:

4 CRAVATH SWAINE & MOORE

5 BY: JOHN I. KARIN

6 BY: LAUREN KLOSS

7 Attorneys at Law

8 825 Eighth Avenue, Suite 4043B

9 New York, New York 10019

10 jkarin@cravath.com

11 lkloss@cravath.com

12

13 For Apple and the Witness:

14 GIBSON DUNN & CRUTCHER LLP

15 BY: CYNTHIA RICHMAN

16 BY: DANA LI

17 Attorneys at Law

18 1881 Page Mill Road

19 Palo Alto, California 94304

20 crichman@gibsondunn.com

21 dli2@gibsondunn.com

22

23

24

25

Veritext Legal Solutions

212-267-6868

[www.veritext.com](http://www.veritext.com)

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1 APPEARANCES (CONTINUED) :

2

3 For Consumer Class Plaintiffs

4 WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

5 BY: MARK RIFKIN

6 BY: KATE MCGUIRE

7 BY: JENNY Y. DUPONT

8 Attorneys at Law

9 270 Madison Avenue, 10th Floor

10 New York, New York 10016

11 (212) 545-4600

12 rifkin@whafh.com

13 dupont@whafh.com

14 kmcguire@whafh.com

15

16 For Developer Plaintiffs in the Cameron Matter:

17 HAGENS BERMAN SOBOL SHAPIRO LLP

18 BY: ROB LOPEZ

19 Attorney at Law

20 1301 Second Avenue, Suite 2000

21 Seattle, Washington 98101-1214

22 (206) 623-7292

23 rob1@hbsslaw.com

24

25

Veritext Legal Solutions

212-267-6868

[www.veritext.com](http://www.veritext.com)

516-608-2400

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1 APPEARANCES (CONTINUED) :

2

3 For Apple Inc.:

4 BY: SCOTT B. MURRAY

5 Attorney at Law

6 1 Infinite Loop

7 Cupertino, California 95014

8 (408) 783-8369

9 scott\_murray@apple.com

10

11 For Developer Plaintiffs:

12 SAVERI & SAVERI

13 BY: TRAVIS L. MANFREDI

14 Attorneys at Law

15 706 Sansome Street

16 San Francisco, California 94111-1731

17 travis.l.manfredi@gmail.com

18

19

20

21 Videographer: Cyril Suszckiewicz

22

23

24

25

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1 Q. So Mr. Fischer, you should be able to see  
2 and tell us when it's loaded, an analyst report from  
3 Goldman Sachs from June of 2013. Tell us when you  
4 have that in front of you?

5 A. This is Exhibit 0079; is that right?

6 Q. Correct. This is exhibit 79 and it should  
7 be the Goldman Sachs analyst report.

8 (Exhibit 79 was marked for identification and  
9 is attached hereto.)

10 THE WITNESS: Okay.

11 BY MR. RIFKIN:

12 Q. Okay, have you seen this before?

13           A.     If you can give me just a minute for look  
14           through it.

15 Q. Would it be helpful if I showed you the  
16 e-mail from Mr. Schiller to you dated June 20, 2013?

17 A. Yes, that would be very helpful.

18 MR. RIFKIN: Kate, why don't you put up  
19 2311. So this is Exhibit 80 now.

20 (Exhibit 80 was marked for identification and  
21 is attached hereto.)

22 MS. MCGUIRE: Sure thing.

23 (Technology discussion).

24 BY MR. RIFKIN:

25 Q. Okay. You see the e-mail -- Exhibit 80 is

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5 Now, does that refresh your recollection  
6 that you saw this Goldman Sachs report [REDACTED]

11 [REDACTED] [REDACTED] Do you remember seeing an analyst  
12 report that discussed switching costs?

13 Q. Okay. Do you know what switching costs are?

14 A. I think as it relates to this report, I  
15 could -- I could venture a guess at what switching  
16 costs are.

17 Q. Okay. You understand that's the cost a  
18 consumer would have to incur to move from an iOS  
19 device to another kind of device like for example, an  
20 Android device. [REDACTED]

22 A. I don't know what the word "cost" means,  
23 [REDACTED]

25 Q. So for example -- okay, can you, can you

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1 take the -- the native apps that you've downloaded  
2 and I don't mean you, I mean can anyone, can a  
3 customer, take the native apps that he or she  
4 downloaded on to his or her iPhone and migrate them  
5 over to Android device and switch from Apple to the  
6 Android environment?

7 A. I believe that there are tools that exist to  
8 help customers, you know, migrate their data and --  
9 and I don't know if it's apps as well, when switching  
10 from, you know, one operating system to another,  
11 whether that's, you know, iPhone to Android or vice  
12 versa.

13 Q. Okay. Now, the Goldman report says the cost  
14 of switching platforms is significant and indeed it  
15 was not possible to transfer all of our content.

16 Have you ever tried to do that, to switch  
17 data from an Apple device to Android device?

18 A. I have not tried to do that personally, no.

19 Q. Okay. And Goldman Sachs says the explicit  
20 switching costs of switch, of our switch totals  
21 \$79.85 in June of 2013.

22 Do you -- do you have any basis to know  
23 whether that figure is accurate or inaccurate as of  
24 June 2013?

25 A. Should I be switching back to the previous

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1 exhibit? I --

2 Q. Sure. If you want to look at Exhibit 79  
3 that would be helpful. And I'm reading from the  
4 first page.

5 A. All right. So I'm back in Exhibit 79.

6 Could you repeat your question?

7 Q. Sure. And I'm reading from the paragraph  
8 under the heading Implications. Goldman Sachs says  
9 that (as read):

10 The explicit switching costs of  
11 our switch total \$79.85.

12 And I'm asking you if you have any basis to  
13 know whether that was accurate or not as of June  
14 2013?

15 A. I don't know. I wasn't involved in the  
16 creation of this report.

17 Q. Okay. Well, have you ever seen any -- any  
18 measure or estimate of switching costs from -- from  
19 an Apple device to Android device, other than that?

20 A. I don't -- I don't recall seeing anything  
21 like this. I mean, this is quite an old report and I  
22 believe that there have been quite a few developments  
23 since 2013 to make it easier for customers to switch  
24 from, as I mentioned, one operating system to  
25 another.

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1           But as I said, that's not something that  
2 I've personally done myself.

3           Q.    Is that part of your responsibility to drive  
4 top line growth, to be aware of the ease with which  
5 customers can switch from one device, an Apple  
6 device, to an Android device?

██  
██  
██  
██  
██  
██

12           Q.    Okay. And do you know what the switching  
13 cost is today, do you have any estimate of what the  
14 switching cost is today?

15           A.    I don't know how it's possible to determine  
16 a definitive switching cost. It probably depends on  
17 the -- on the actual user. The customer, and what  
18 type of apps they have on their phone that they want  
19 to switch over.

20           Q.    So when you said that there have been some  
21 recent developments that make it easier, to the best  
22 of your knowledge what -- what developments were you  
23 thinking of that make it easier for a customer to  
24 switch now from an Apple device to Android device?

25           A.    I remember seeing some apps over the past

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1 several years that focused on helping customers, in  
2 this case that are on -- new customers to iOS, to  
3 migrate their data over from their Android phone.

4 I don't recall the names of the apps  
5 specifically, but I recall seeing -- seeing, you  
6 know, one or two apps like that over the past several  
7 years.

8 Q. Okay. But you don't recall any of them as  
9 you sit here today?

10 A. I don't -- I don't remember the names, and  
11 again, that's personally not something that I've  
12 done.

13 Q. Okay.

14 MR. RIFKIN: Kate, let's pull up another  
15 document, 09708562.

16 Q. Mr. Fischer, just let us know when it's  
17 loaded on to your system.

18 A. Okay.

19 (Exhibit 81 was marked for identification and  
20 is attached hereto.)

21 (Technology discussion.)

22 BY MR. RIFKIN:

23 Q. Mr. Fischer, if you could let us know when  
24 you have that up.

25 A. Is this Exhibit 81?

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1 STATE OF CALIFORNIA ) ss.

2 COUNTY OF LOS ANGELES )

3

4 I, Lori M. Barkley, CSR No. 6426, do hereby  
5 certify:

6 That the foregoing deposition testimony  
7 taken before me at the time and place therein set  
8 forth and at which time the witness was administered  
9 the oath;

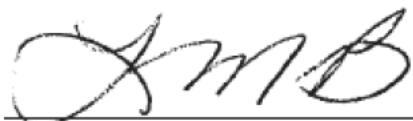
10 That the testimony of the witness and all  
11 objections made by counsel at the time of the  
12 examination were recorded stenographically by me, and  
13 were thereafter transcribed under my direction and  
14 supervision, and that the foregoing pages contain a  
15 full, true and accurate record of all proceedings and  
16 testimony to the best of my skill and ability.

17 I further certify that I am neither counsel  
18 for any party to said action, nor am I related to any  
19 party to said action, nor am I in any way interested  
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my  
22 name this 8th day of January, 2021.

23

24



25

LORI M. BARKLEY, CSR No. 6426